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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 22nd March, 1973:—

BILL No. X OF 1973

A Bill to confer on the President the power of the Legislature of the State of Orissa to make laws.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Orissa State Legislature (Delegation of Powers) Act, 1973.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 3rd day of March, 1973, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 155(E) of the said date.

Conferment on the President of the power of the State Legislature to make laws.

3. (*1*) The power of the Legislature of the State of Orissa to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(*2*) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of thirty members of the House of the People nominated by the Speaker and fifteen members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution, passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation issued by the President on the 3rd March, 1973, the powers of the Legislature of the State of Orissa are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for that State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all the legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (*a*) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Orissa to make laws for the State. The present Bill is intended to give effect to this proposal.

NEW DELHI;
The 15th March, 1973.

K. C. PANT.

FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the Constitution of a committee for consultation regarding President's Acts, consisting of 30 members of the House of the People and 15 members of the Council of States. Expenses to be incurred in connection with the meetings of the Consultative Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 1,12,000/- during the period in which the Proclamation will be in force. The Bill, if enacted, will not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the Legislature of the State of Orissa to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 3rd day of March, 1973, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1) (*a*) of the Constitution. Before exercising the aforesaid power the President is required, whenever he considers it practicable to do so, to consult a Committee of Members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act [*vide* sub-clause (3) and (4) of clause 3.] The delegation of legislative power is in pursuance of the express provision in this behalf in article 357 (1) (*a*) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Orissa. Under the exceptional circumstances arising out of the issue of a Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated the 3rd March, 1973 will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, it can be regarded as of a normal character.

B. N. BANERJEE,
Secretary.

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